

REMARKS

Preliminary remark

Applicants note that the present reply comprises amendments to claim 1, although the present reply is a response to a final Office Action. Applicants note that the final Office Action has been issued by a different Examiner than the present Examiner. Applicants respectfully request the present Examiner to study the proposed amended set of claims and arguments, so as to allow the Applicants and the Examiner to conduct a telephone interview to advise the Applicants of the allowability of the amended set of claims, should said amended set of claims be presented along with a Request for Continued Examination.

However, as detailed below with regard to the claim amendments, the Applicants respectfully submit that the amendments to claim 1 are for clarification purpose only, and raise no new issues regarding patentability.

Further, as detailed below with regard to the 35 USC 102 and 103 rejections, the previous Examiner has failed to show to the Applicants where the cited references show the features recited in the claims and pointed out by the Applicants as not being disclosed in the cited references in the Applicant's reply to the previous action. Thus, the Applicants respectfully submit that the previous Examiner has failed to express the grounds of rejection in a manner that is clearly developed so as to be informative to the Applicants (see MPEP 706.7 and 707.07(d)). Accordingly, Applicants respectfully request the present Examiner to reconsider the Applicants arguments, and to withdraw the final rejection in this matter.

Amendment to the claims

Claims 6-13 have been cancelled without prejudice.

Claim 1 has been amended to recite *"the retainer being provided for allowing the wedge members to contact the outer circumferential surface of the fastening member when said fastening member is engaged in the ring portion"*.

No new matter has been added.

Applicants note that original claim 1 recited (emphasis added) *"a free state in which the wedge member moves freely between a bottom surface of the corresponding wedge guide groove and the outer circumferential surface of the fastening member"* and *"a caught state in which the wedge member is caught between the bottom surface of the corresponding wedge guide groove and the outer circumferential surface of the fastening member"*. Thus, Applicants submit that the original claim 1 made plain that the wedge members and the retainer are arranged so that the wedge members may contact the outer circumferential surface of the fastening member when it is engaged in the ring portion. Applicants submit that claim 1 has been amended for clarification purpose only, and that the scope of amended claim 1 is unchanged compared to the scope of searched original claim 1.

Rejections under 35 U.S.C 112

Claim 12 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 12 has been cancelled without prejudice.

Rejection under 35 U.S.C 102

Claims 1-3, 11 and 12 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 592,213 to Smith or by U.S. patent 6,253,646 to Chang. Applicants respectfully disagree.

Claim 1

Applicants note that in response to the prior Office Action, mailed December 16, 2004, Applicants had explained why neither Smith nor Chang anticipate claim 1.

In particular, Applicants had shown that Smith discloses (Figs. 1-6) a hand drill wherein a tool (drill B) having a predetermined shape is retained in a spindle (A) having a socket (a) specifically shaped for receiving the drill. Smith discloses wedge members (j), but arranged in slots of a casing (F) between the spindle (A) and a flange

(D). In the device of Smith, the wedge members (j) can only contact the spindle (A), the flange (D) and the casing (F), and cannot contact whatever is inserted in the socket (a) of the spindle (A), for example the drill (B). Applicants submit that for this reason at least, even if the drill (B) were to be replaced by a fastening member, Smith would not disclose or suggest a wrench as recited in claim 1, and in particular comprising a retainer *“provided for allowing the wedge members to contact the outer circumferential surface of the fastening member when said fastening member is engaged in the ring portion”*. Accordingly, Applicants submit that claim 1 is patentable over Smith.

Concerning Chang, Applicants had shown that Chang discloses (Fig. 1) a wrench wherein wedge members (50) are arranged between a driving head (10) and a driving body (20) having a driving hole (21) shaped to receive a predetermined fastening member (hexagonal bolt or nut). In the wrench of Chang, the wedge members (50) can only contact the driving head (10) and the driving body (20), but cannot contact a fastening member inserted in the driving hole (21). Accordingly, Chang does not disclose or suggest a wrench as recited in claim 1, and in particular comprising a retainer *“provided for allowing the wedge members to contact the outer circumferential surface of the fastening member when said fastening member is engaged in the ring portion”*. Accordingly, Applicants submit that claim 1 is patentable over Chang.

Applicants submit that the previous Examiner has failed to show where Smith or Chang disclose the above features. Accordingly, it is submitted that this action was made final prematurely, before a clear issue could be developed between the Examiner and the Applicants, as provided by MPEP 706.07. Accordingly, should the Examiner disagree with the Applicants concerning the patentability of claim 1 over Smith or Chang, Applicants would respectfully request the Examiner to withdraw the finality of the present Office Action.

Claims 2 and 3

Claims 2 and 3 depend on claim 1. Applicants submit that at least in view of their dependency on claim 1, claims 2 and 3 are patentable over Smith or Chang.

Claims 11 and 12

Claims 11 and 12 have been cancelled without prejudice.

Rejection under 35 U.S.C. 103

Claims 1-5, 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 1,412,688 to Layton in view of Chang. Applicants respectfully disagree.

Claim 1

Applicants had shown, in response to the previous Action, that Layton discloses (Figs. 1, 2) a tool holder device (1, 2) for holding a socket wrench (in dotted line in Fig. 2) having a shank, comprising wedge members (rollers 4) arranged between a retaining ring (5), the head (2) of the device and the shank of the socket wrench (i.e. see column 2, lines 97-100, which recites that "the friction gripping rollers will be moved toward the shallow ends of the sockets and will bind on the shank of the socket wrench"). In Layton, the wedge members cannot come into contact directly with a fastening member that would be inserted in the socket of the socket wrench.

Applicants had argued that since neither Layton nor Chang disclose or suggest a Wrench structure wherein the wedge members are provided for coming in contact with a fastening member that would be inserted in the wrench structure, and in particular a wrench structure having a retainer "*provided for allowing the wedge members to contact the outer circumferential surface of the fastening member when said fastening member is engaged in the ring portion*", as recited in claim 1, no combination of Layton and Chang would have disclosed or suggested a wrench having the structural features recited in claim 1. In view of the above, Applicants submit that claim 1 is patentable over Layton in view of Chang.

Applicants note that in the Response to Arguments, the previous Examiner has also failed to show to the Applicants where Layton disclosed the above features. For this reason also, Applicants respectfully submit that this action has been made final prematurely.

Further, Applicants note that all the cited references teach receiving an object to be manipulated (Drill in Smith, nut or bolt in Chang or Layton) in a hole having a predetermined geometry, provided for cooperating with the shape of said object to be manipulated. None of the cited reference teaches using a direct contact between the wedge members and the object to be manipulated. The cited references all disclose that the wedge members contact structures ("spindle" A of Smith, "driving body" 20 of Chang, "socket wrench" of Layton) having predetermined and controlled shapes. Applicants submit that none of the cited references disclose or suggests that the wedge members might efficiently operate when contacting directly a fastening element (as a nut, a bolt) that, as one of ordinary skill in the art well knows, is often worn and/or dented and has thus a rather uncertain and uncontrolled geometry. In view of the above also, Applicants submit that none of the cited references, taken alone or in combination, would have motivated one of ordinary skill in the art to make a wrench as recited in claim 1, and in particular having a retainer *"provided for allowing the wedge members to contact the outer circumferential surface of the fastening member when said fastening member is engaged in the ring portion"*. Accordingly, Applicants submit that for this reason also, claim 1 is patentable over any of Smith, Layton and Chang, taken alone or in combination.

Claims 2-5

Claims 2-5 depend on claim 1. Applicants submit that at least in view of their dependency on claim 1, claims 2 to 5 are patentable over any of Smith, Layton and Chang, taken alone or in combination, and in particular over Layton in view of Chang.

Claims 11 and 12

Claims 11 and 12 have been cancelled without prejudice.

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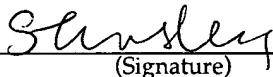
In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

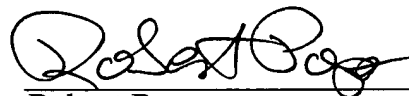
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Shannon Tinsley
(Name of Person Transmitting)


(Signature)

9/6/05
(Date)

Respectfully submitted,



Robert Popa
Attorney for Applicants
Reg. No. 43,010
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile
rpopa@ladasparry.com Encl - Postcard